

**DRUG DISPOSAL PROGRAM**

2020 GENERAL SESSION

STATE OF UTAH

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**LONG TITLE****General Description:**

This bill establishes a program for the secure, environmentally friendly disposal of prescription and over-the-counter drugs.

**Highlighted Provisions:**

This bill:

- defines terms;
- creates a program, administered by the attorney general, for the disposal of prescription and over-the-counter drugs;
- requires the attorney general to work with law enforcement, pharmacies, and other entities to establish a statewide network of drug disposal repositories or for the distribution of home drug disposal receptacles;
- describes the requirements for a drug disposal repository and a home drug disposal receptacle;
- requires that the program comply with Drug Enforcement Administration requirements;
- requires the attorney general to publish a list of drug disposal repositories or information on obtaining a home drug disposal receptacle;
- creates a restricted account to assist with the purchase, operation, or maintenance of a repository or the purchase or distribution of home drug disposal receptacles; and
- preempts certain action by other state and local government entities in relation to the program.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

33           **67-5-36**, Utah Code Annotated 1953

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35           *Be it enacted by the Legislature of the state of Utah:*

36           Section 1. Section **67-5-36** is enacted to read:

37           **67-5-36. Drug Disposal Program -- Drug Disposal Restricted Account.**

38           (1) As used in the section:

39           (a) "Drug" means a prescription drug or an over-the-counter drug lawfully possessed by  
40 the individual disposing of the drug.

41           (b) "Environmentally friendly" means a household waste pharmaceutical that, as  
42 determined by the attorney general, is rendered non-retrievable and environmentally safe.

43           (c) "Home drug disposal receptacle" means a receptacle that can be used by an  
44 individual to render a small amount of drugs at an individual's residence non-retrievable and  
45 environmentally friendly.

46           (d) "Non-retrievable" means the same as that term is defined in 21 C.F.R. 1300.05.

47           (e) "Program" means the Drug Disposal Program described in this section.

48           (f) "Repository" means a drug disposal repository described in Subsection (3).

49           (2) The attorney general shall, in accordance with the requirements of this section,  
50 administer a statewide program known as the Drug Disposal Program, to provide for the safe,  
51 secure, and environmentally friendly disposal of drugs in the state.

52           (3) The attorney general shall:

53           (a) except as provided in Subsection (4), work with law enforcement agencies,  
54 pharmacies, hospitals, and other entities authorized by Drug Enforcement Administration rules,  
55 to ensure that one or more repositories are present in each county in the state;

56           (b) ensure that each repository:

57           (i) renders a drug placed in the repository non-retrievable within two hours after  
58 placing the drug in the repository;

59           (ii) in rendering a drug non-retrievable, results in an environmentally friendly  
60 substance; and

61           (iii) is secure from unauthorized tampering or removal;

62           (c) require that an independent third party verify that:

63           (i) a repository complies with Subsection (3)(b); and

64 (ii) a home drug disposal receptacle renders a drug non-retrievable and  
65 environmentally friendly;

66 (d) ensure that the program operates in accordance with Drug Enforcement  
67 Administration rules;

68 (e) administer the restricted account described in Subsection (7); and

69 (f) publish, on the attorney general's website:

70 (i) a list of the location of each repository in the state; and

71 (ii) if home drug disposal receptacles are used as part of the program, information on  
72 how to obtain a home drug disposal receptacle.

73 (4) The attorney general may, instead of, or in addition to, establishing a repository in a  
74 county, establish a process for residents of the county to easily and inexpensively obtain a  
75 home drug disposal receptacle.

76 (5) A state or local government entity, other than the attorney general, may not:

77 (a) regulate the disposal of a substance rendered non-retrievable in a repository or  
78 home drug disposal receptacle differently, or more strictly, than disposal of non-hazardous  
79 household waste;

80 (b) regulate or restrict the location of a repository or the distribution of a home drug  
81 disposal receptacle; or

82 (c) otherwise take action to regulate or interfere with administration of the program.

83 (6) This section does not prohibit the disposal of drugs in a receptacle that does not  
84 qualify as a repository if:

85 (a) the receptacle is located on the premises of an entity described in Subsection (3)(a);  
86 and

87 (b) the entity described in Subsection (3)(a) ensures that the drug is rendered non-  
88 retrievable in any manner permitted by Drug Enforcement Administration rule.

89 (7) (a) There is created a restricted account within the General Fund known as the  
90 "Drug Disposal Restricted Account."

91 (b) The restricted account shall consist of:

92 (i) money appropriated by the Legislature;

93 (ii) grants from the federal government; and

94 (iii) grants or donations from a person.

- 95            (c) The attorney general may award grants from the account to assist in:  
96            (i) the purchase, operation, or maintenance of a repository in the state; or  
97            (ii) the purchase or distribution of a home drug disposal receptacle.